

PATENT

R E M A R K S

In the response to the Office Action mailed May 17, 2002, Applicant submits this Amendment concurrently with a Petition for One-Month Extension of Time.

Claims 1-18 were pending in this application. In the Office Action, claims 1-2 were allowed. The Examiner rejected Claims 3-5, and objected to Claims 6-18. By this Amendment, Claims 4, 12 and 13 have been amended, and Claims 3 and 5 have been canceled without prejudice. The foregoing amendments and the following remarks are believed to be fully responsive to the Office Action and are believed to place the above-identified application in condition for formal allowance.

Further examination and reconsideration of the rejection are hereby requested.

Objections

The Examiner has objected to the use of trademarks in the paragraph on page 8, lines 11-19 of the specification. Applicant has amended the specification to capitalize trademarks and to place generic terms in lower case. It is requested that this objection be withdrawn.

The Examiner has objected to informalities regarding the spellings of “methylmethacrylate” and “silicone.” Corrections to the spelling of these terms have been made in the paragraph on page 5, lines 6-13 and the paragraph on page 5, lines 15-22. It is requested that this objection be withdrawn.

Claim Rejections - 35 U.S.C. §112

Claims 3 and 5 were rejected under 35 U.S.C §112, second paragraph, as being indefinite. The Examiner has stated that "Claim 3/1 appears to be a duplicate of Claim 5." Claim 3 has been canceled by this amendment without prejudice, thereby obviating the rejection with respect thereto. It is requested that the rejection under 35 U.S.C. §112 be withdrawn.

Claim Rejections - 35 U.S.C. §102 or 103

Claim 4 was rejected under 35 U.S.C. §102(b) as anticipated by, or in the alternative, under 35 U.S.C. §103(a) as obvious over, U.S. Patent No. 4,398,985 to Eagon ("Eagon").

Claim 4 has been amended to include the subject matter of claim 5 and to further recite that "the first layer is formed of polyester and the second layer includes material having a density less than the polyester." (By this Amendment, Claim 5 has been canceled without prejudice.) Applicant notes that Claim 5 was not rejected by the Examiner based on prior art. Moreover, Claim 4, as amended, is believed patentable over the art of record. It is respectfully requested that the rejection under 35 U.S.C. §102(a) or, in the alternative §103(a), be withdrawn.

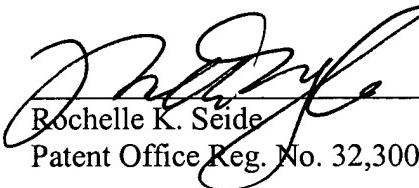
Conclusion

Attached is a marked-up version of the changes made by the Applicant. The attached pages are captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

In view of the foregoing, Claims 1-2, 4 and 6-18 are believed allowable, and this application is believed to be in condition for formal allowance. Prompt and favorable allowance is requested.

Respectfully submitted,

Dated: September 17, 2002



Rochelle K. Seide
Patent Office Reg. No. 32,300

Walter M. Egbert, III
Patent Office Reg. No. 37,317

Attorneys for Applicants

BAKER BOTTS L.L.P.
30 Rockefeller Plaza
New York, New York 10112-4498
(212) 408-2500

APPENDIX A**VERSION WITH MARKINGS TO SHOW CHANGES MADE****In the Specification:**

Amend the paragraph on page 5, lines 6-13 as follows:

-- The first layer 5 is produced by firstly forming a suitable polyester at step 20. The polyester is preferably a white polyester produced by combining PET (polyethylene terephthalate) material with titaniumdioxide. The material is then chemically treated at step 21 for acceptance and penetration of ink, using a suitable combination of [methylmethacrylate] methylmethacrylate, butylacrylate, melamine resin and acrylic binder. Conventional plasma/Corona treatment was found not to provide adequate ink acceptance, with the result of deterioration and ink delamination from the polyester. --

Amend the paragraph on page 5, lines 15-22 as follows:

-- A release coating is applied at 22 on a side of the first layer which is to face the removable portion of the second layer. The release coating is preferably applied by way of a solvent based [silicon] silicone treatment or a UV based coated [silicon] silicone treatment in order to render the first layer with a [silicon] silicone coating in the order of 0.5 to 3.0 grams/m², to provide a tight release of between 17 grams force/50mm and 30 grams force/50mm. Such a release strength factor achieves a significant advantage in that inadvertent release of the second layer from the first layer during labeling is prevented whilst still allowing the sticker portion 8 to be relatively easily removed by a purchaser of the bottle. --

Amend the paragraph on page 8, lines 11-19 as follows:

-- A suitable varnish was formed utilizing the following components:

- [Labelstar] LABELSTAR™ 2540 [Varnish] varnish 11132144 is a slip varnish (C.O.F.) Modified [Starpac] STARPACK™ AS3 [Varnish] varnish 11006151. This was achieved by an addition of 1.2% of olefin wax to [Starpac] STARPACK™ AS3 [Varnish] varnish 11006151.
- [Synthetic Silicone] synthetic silicone alternate. 0.1%
- [Glassene Silicone] glassene silicone alternate 0.99%
- [Plasticiser Agent] plasticiser agent 0.5%
- [Polyester Waxing Agent] Polyester waxing agent 1.23% ± 0.3%
- [Emulsifer] emulsifier 2.0% ± 0.6% --

In the Claims

Cancel claim 3 without prejudice.

Amend claim 4 as follows:

- 4. (Amended) A composite label including a first layer for displaying information at a first major surface of the label and a second layer including a removable portion arranged to be separated from the label and secured to another object, wherein the second layer includes an adhesive on one side thereof for securing the removable portion to the first layer and the first layer includes a release coating to facilitate removal of the portion therefrom, the adhesive and release coating providing a release strength factor of

PATENT

between 17 grams force/50mm, and wherein the first layer is formed of polyester and the second layer includes material having a density less than the polyester. --

Cancel claim 5 without prejudice.

Amend claims 12-13 as follows:

-- 12. (Amended) A composite label as claimed in claim 1 or [5] 4,

wherein the polyester is white. --

-- 13. (Amended) A composite label as claimed in claim 1 or [5] 4,

wherein the polyester is metallized. --